



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SLC

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/736,896	10/25/96	KEN	C 290252016600

THOMAS E CIOTTI
MORRISON & FOERSTER
755 PAGE MILL ROAD
PALO ALTO CA 94304-1018

QM12/0825

EXAMINER

LEWIS, W

ART UNIT

PAPER NUMBER

3731

31

DATE MAILED: 08/25/00


Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks


Application No.: 08/736,896

Art Unit: 3731

The reply brief filed 7/10/00 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.



W. Lewis



MICHAEL BUIZ
SUPERVISORY PATENT EXAMINER
GROUP 3300

8/24/00



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231 290252016600

08/736,896 10/25/93

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

QM31/0525

THOMAS E CIOTTI
MORRISON & FOERSTER
755 PAGE MILL ROAD
PALO ALTO CA 94304-1018

LEWIS, W

EXAMINER

3731

ART UNIT

05 PAPER NUMBER

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF
PATENTS AND TRADEMARKS
Washington, D.C. 20231

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 29

Application Number: 08/736,896
Filing Date: October 25, 1996
Appellant(s): Ken et al.

William C. Revelos
For Appellant

MAILED
MAY 22 1999
GROUP 3300

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed March 20, 2000.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

Art Unit: 3731

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1, 3, and 4 do stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

Art Unit: 3731

5,639,277

Mariant et al.

6-1997

3,203,410

Heinke et al.

11-1982

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3 and 4 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Heinke et al. (German Patent 3,23,410) in view of Mariant et al. (US Patent 5,639,277). Heinke et al. disclose a coil (1) with a modified end (2) in figure 8. The coil (1) has distal and proximal ends that spiral radially inwardly. However, Heinke et al. do not disclose the detachable end. Mariant et al. teach of this element (see figure 14) in the same field of endeavor for the purpose of allowing proper placement (see column 7, lines 14-49). It would have been within the level of one of skill in the art at the time of the invention to have modified the proximal end of the Heinke et al. device by making it detachable as taught by Mariant et al. in order to have allowed proper placement.

Art Unit: 3731


(11) *Response to Argument*

Regarding applicant's arguments filed March 20, 2000, the Examiner wishes to point out that the Heinke et al. reference that the coils (which includes the distal and proximal ends) spiral or get radially SMALLER. See figure 8. Heinke et al. state that the coils can telescope within each other. English translation page 4, lines 19-21. This is clearly showing that the ends are positioned radially inwardly as cited in claim 1. Heinke et al. also point that the ends (2) of the device are modified to aid in sealing off the vessel. This clearly shows that the ends are radially inward to increase the sealing effect. Regarding the modification with the Mariant et al. device, Applicant has fail to point as to why the combination is improper and should be treated as an admission that this feature is well known and established in the prior art.

Art Unit: 3731

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



William W. Lewis



Michael Thaler (conferee)



Michael Buiz (conferee)

May 22, 2000

Morrison & Foerster L.L.P.
755 Page Mill Road
Palo Alto, California 94304-0792